

OCT 24 2011

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Petition of Genwal Resources, Inc. for Review of Division Order 10-A, Crandall Canyon Mine	ISSUES FOR CLARIFICATION and SCHEDULE FOR BRIEFING Docket No. 2010-026 Cause No. C/015/0032
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Genwal Resources, Inc. (“**Genwal**”), permittee of the Crandall Canyon Mine Permit No. C/015/0032, by and through their counsel of record, respectfully requests clarification of the Minute Entry dated September 30, 2011 (“**Minute Entry**”), as follows:

1. Clarify under the Minute Entry that Paragraph III of the Division Order 10-A (“**DO**”), as amended by the Division of Oil Gas and Mining (the “**Division**”) and challenged by Genwal, is vacated;
2. Clarify which portions of DO Paragraph V, as amended by the Division and challenged by Genwal, are vacated by the Minute Entry;
3. Clarify whether the Board of Oil, Gas and Mining (the “**Board**”) intends to require Genwal to post a conventional bond for the costs of water treatment at the Crandall Canyon Mine (the “**Mine**”); and if so:
 - a. Clarify the Board’s authority for requiring such a bond absent the rulemaking ordered by the Minute Entry;
 - b. Clarify the Board’s authority to require such a bond under the Utah Coal Program rules governing bond adjustment;
 - c. Clarify the Board’s authority to require such a bond to secure non-reclamation operational costs of mine water treatment at the Mine; and

4. Clarify the final paragraph of the Minute Entry regarding:
 - a. The applicability of conventional bonding to secure the operational treatment of mine water discharge at the Mine;
 - b. The nature of the incremental bond form and its relationship to duration of the mine water discharge; and
 - c. Whether the Board intends that evidence on the annual cost of treatment be limited to the current operations at the Mine.

Genwal proposes the following schedule to address these issues before the Board:

1. October 26, 2011, scheduling conference before the Board;
2. November 2, 2011, initial briefs to be filed by both parties with the Board and served on the opposing party;
3. November 10, 2011, reply briefs to be filed by both parties with the Board and served on the opposing party;
4. Scheduling of oral argument on the briefs will be at the Board's discretion; and
5. Scheduling of discovery and an evidentiary hearing will be postponed until the Board issues an order clarifying the Minute Entry.

Respectfully submitted this 24th day of October, 2011.

BY: 

ATTORNEYS FOR GENWAL RESOURCES, INC.

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing **ISSUES FOR CLARIFICATION and SCHEDULE FOR BRIEFING** were hand delivered on October 24, 2011, to the following:

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